

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
FILED SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, *et al.*
Plaintiffs, 2019 MAR 13 P 1:38

v.

Representative DAVID R. LEWIS,
in his official capacity as Senior
Chairman of the House Select
Committee on Redistricting, *et al.*,
Defendants.

CASE MANAGEMENT ORDER

THIS MATTER comes before the undersigned Three-Judge Panel upon its own motion for the purposes of setting out an orderly process to be followed for the submission of filed papers to the Court and requests for hearings.

This Case Management Order ("Order") establishes certain procedures to be used and sets deadlines for various matters likely to arise through trial. It shall remain in effect until rescinded by the Court or superseded by subsequent orders. The North Carolina Rules of Civil Procedure; the General Rules of Practice for the Superior and District Courts; and the Local Rules of Civil Superior Court for Wake County shall govern all matters not expressly covered by this Order.

This Order, as well as any subsequent case management orders and briefing schedules entered by the Court, shall bind all parties to this action and all parties added hereafter unless the Court orders to the contrary.

The Court may amend or supplement this Order as deemed appropriate by the Court upon its own motion or that of any party.

For the purpose of efficient management of this matter, the Court orders the following:

1. Electronic copies of all documents filed with the Clerk of Court shall be promptly transmitted by email to:
 - (a) 10th Judicial District Trial Court Administrator Kellie Myers
(Kellie.Z.Myers@nccourts.org); and
 - (b) N.C. Judicial Fellow Adam Steele
(Adam.H.Steele@nccourts.org).
2. The subject line of the transmittal email shall state a short caption of the case, the file number, and the name of the document transmitted (e.g. Common Cause v. Lewis (18 CVS 14001) – Legislative Defendants’ Motion for Protective Order).
3. If the document being transmitted to the Court as per paragraph 1 above is a motion, the body of the email shall state, if applicable:
 - (a) Whether all parties consent to the entry of an order granting the requested relief;
 - (b) Whether the movant is requesting a hearing;
 - (c) Whether the movant has conferred with opposing counsel for purposes of recommending a proposed briefing schedule and hearing dates and, if so, those recommendations; and
 - (d) Such other matters that ought to be brought to the Court’s attention regarding the scheduling and disposition of the motion.
4. If the parties have not conferred about a motion being transmitted to the Court, all opposing parties, through counsel, shall promptly upon receipt

of the transmitting email, respond by email to the persons listed in paragraph 1 above with the following information:

- (a) Whether the responding party consents to the entry of an order granting the relief requested by the movant;
- (b) Whether the responding party is requesting a hearing;
- (c) Whether the responding party intends to submit a written reply or memorandum, and if so, the period of time the responding party wishes to be allowed for its reply; and
- (d) Such other matters that ought to be brought to the Court's attention regarding the scheduling and disposition of the motion.

- 5. All counsel shall be cc'd on any email correspondence required by this Order.
- 6. In instances where a hearing before the three-judge panel is required, upon receipt of the foregoing information, the Trial Court Administrator shall endeavor to arrange a hearing. Counsel should be mindful of the fact that facilities and court personnel to conduct three-judge panel hearings are limited, and coordinating the schedules of the members of the three-judge panels, in light of their already existing dockets, can be difficult. Hence, counsel should attempt to give ample notice of the need for a hearing and, where possible, bundle all pending matters for a single hearing date.

7. Any document required to be served on a party (other than a summons and complaint or third-party complaint) may be served on parties via e-mail. Briefs or memoranda provided to the Court may not be filed with the Clerk of Court unless ordered by the Court, pursuant to NCRCP Rule 5. Any changes to parties' or counsels' e-mail addresses must be made in writing to all parties/counsel and to the Court as per paragraph 1 above.
8. Counsel shall transmit to the Court any document it intends to present at a hearing at least five (5) business days before the date of such hearing, unless otherwise ordered. The document shall be transmitted to the Court as per paragraph 1 above.
9. Proposed orders, when requested by the Court, shall be transmitted to the Court as per paragraph 1 above, in Microsoft Word format.
10. Counsel should be familiar with *98 Formal Ethics Opinion 13* issued by the N.C. Bar in July 1999, entitled *Written Communications with a Judge or Judicial Official*, and communications required by this Order should comport therewith.

So ordered, this the 13th day of March, 2019.



Paul C. Ridgeway, Superior Court Judge

/s/ Joseph N. Crosswhite

Joseph N. Crosswhite, Superior Court Judge

/s/ Alma L. Hinton

Alma L. Hinton, Superior Court Judge

Certificate of Service

The undersigned certifies that the foregoing was served upon all parties by depositing the same in the custody of the of the United States Postal Service, First Class postage prepaid, and by email, addressed as follows:

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This the 13th day of March, 2019.

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